

22MAG 2176**ORIGINAL**Approved: AWJ

ANDREW JONES

Assistant United States Attorney

Before: THE HONORABLE SARAH NETBURN
 United States Magistrate Judge
 Southern District of New York

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 UNITED STATES OF AMERICA : COMPLAINT
 : Violation of
 - v. - : 21 U.S.C. § 841
 :
 SAUL MEDINA-BAEZ, :
 :
 Defendant. : COUNTY OF OFFENSE:
 : NEW YORK
 ----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

CHRISTIAN GARCIA, being duly sworn, deposes and says that he is a Special Agent the Drug Enforcement Administration ("DEA") New York Drug Enforcement Task Force, and charges as follows:

COUNT ONE

(Narcotics Distribution)

1. On or about March 7, 2022, in the Southern District of New York and elsewhere, SAUL MEDINA-BAEZ, the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was 400 grams and more of mixtures and substances containing a detectable amount of fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Sections 812, 841(a)(1) and
 841(b)(1)(A).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

3. I am a Special Agent with the DEA New York Drug Enforcement Task Force, and I have been personally involved in this investigation. This affidavit is based on my investigation, my conversations with other law enforcement officers and other individuals, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my training and experience, my conversations with other law enforcement officers, and my review of publicly available information, I have learned the following, in substance and in part:

a. Since at least 2021, the DEA has seen a significant increase in the prevalence of counterfeit prescription pills laced with fentanyl, a lethal synthetic opioid that has led to a dramatic increase in overdose deaths.¹ Indeed, in 2021 alone, the DEA seized more than 9.5 million counterfeit pills, more than the previous two years combined. DEA laboratory testing of those pills has revealed a dramatic rise in the number of counterfeit pills containing at least two milligrams of fentanyl, which is considered sufficient for a potentially deadly dose.

b. According to the Centers for Disease Control and Prevention ("CDC"), synthetic opioids (like fentanyl) are the primary driver of overdose deaths in the United States.² Indeed, overdose deaths involving opioids rose 38.1 percent from 2020 to 2021, and overdose deaths involving synthetic opioids (primarily illicitly manufactured fentanyl) rose 55.6 percent and appear to be the primary driver of the increase in total drug overdose deaths.

c. Counterfeit pills are often made to look almost identical to prescription opioid medications such as

¹ See <https://www.dea.gov/press-releases/2021/09/27/dea-issues-public-safety-alert> (last visited on March 8, 2022).

² See <https://www.dea.gov/resources/facts-about-fentanyl> (last visited on March 8, 2022).

oxycodone.³ For example, legitimate prescription oxycodone pills are often blue with an "M" on one side and the number "30" on the other side.

d. Counterfeit oxycodone pills laced with fentanyl are often referred to by a number of street names, including "Buttons," "30s," and "Blues." Given the ease with which these counterfeit pills can be transported and concealed, they are widely accessible and often sold on the street and over the internet.

5. Based on my training and experience, my participation in this investigation, including my personal observations, my conversations with a confidential source working at the direction of law enforcement (the "CS"),⁴ my conversations with a cooperating witness working at the direction of law enforcement ("CW-1"),⁵ my review of materials provided by the CS and CW-1, including recordings of the communications described below made by the CS and CW-1 at the direction of law enforcement, my conversations with other law enforcement agents, and my review

³ See <https://www.dea.gov/onepill> (last visited on March 2, 2022).

⁴ The CS has been providing information to the DEA since in or about 2006. The CS was previously arrested for a narcotics offense, but the case was subsequently dismissed. The CS is providing information to law enforcement in exchange for financial benefits. Information provided by the CS has been found reliable and corroborated by, among other things, phone records and electronic evidence, and has led to multiple seizures of narcotics.

⁵ CW-1 was previously convicted of narcotics offenses and a charge related to the sale of a stolen vehicle. CW-1 has pleaded guilty, pursuant to a cooperation agreement, to a federal criminal information charging him with participating in a narcotics conspiracy, possession of a firearm in relation to a drug trafficking crime, possession of a firearm as a felon, conspiracy to commit wire fraud, and the sale and possession of stolen property. CW-1 previously served as a confidential source for law enforcement and engaged in criminal activity with others while serving as a confidential source. Law enforcement deems the information provided by CW-1 in the course of this and other investigations to be credible and it has been corroborated by, among other things, the statements of others, events independently observed by law enforcement, and electronic evidence.

of law enforcement reports and records, I have learned the following, among other things:

a. Between on or about March 2, 2022, and on or about March 6, 2022, the CS communicated multiple times with an unidentified person ("CC-1") using a specific phone number (the "Target Number"). The CS inquired of CC-1 whether CC-1 had available "buttons" or "pastillas," which based on my training, experience, and participation in this and similar investigations, I believe to be a reference to counterfeit oxycodone pills that contain fentanyl. CC-1 agreed to sell the CS twenty thousand pills at a cost of \$10 per pill, for a total of \$200,000. The CS and CC-1 agreed that the transaction would occur in New York, New York on March 7, 2022. The CS also informed CC-1 that the CS's driver, that is CW-1, would conduct the transaction, that CW-1 would receive the pills, and then, if the pills were as promised, the CS would hand over the payment. The CS then provided a phone number for CC-1 to contact CW-1 to arrange the transaction.

b. On or about March 7, 2022, CC-1, using the Target Number, contacted CW-1. CW-1 and CC-1 arranged for the transaction to happen at a particular location in Manhattan (the "Location") around 3:00 pm. Shortly before 3:00 pm, CC-1 called CW-1 and stated in substance and in part that CC-1's driver, who has since been identified as SAUL MEDINA-BAEZ, the defendant, was at the Location and was driving a white sedan (the "Sedan"). CW-1 described his precise position to CC-1 and gave CC-1 a description of CW-1's car (the "CW Vehicle"). The Sedan then approached and parked next to the CW Vehicle.⁶

c. At or about 2:50 pm, I observed the Sedan arrive at the Location and then park next to the CW Vehicle. I then watched CW-1 exit the CW Vehicle and enter the Sedan. CW-1 then returned to the CW Vehicle with a yellow envelope (the "Package") given to him by MEDINA-BAEZ. MEDINA-BAEZ exited the Sedan and approached the passenger window of the CW Vehicle. MEDINA-BAEZ was subsequently placed under arrest.

d. Law enforcement seized the Package, which was found to contain approximately twenty thousand blue pills (the

⁶ I listened in real time to the conversation between CW-1 and CC-1. During this conversation, I heard CC-1 talking to a second person, who I believe was MEDINA-BAEZ. MEDINA-BAEZ sounded like he was talking to CC-1 on a second phone line and told CC-1 in substance that he was at the Location.

"Pills"). The pills were marked with an "M" on one side, "30" on the other, and wrapped in plastic, as depicted below:



e. Based on my training and experience, I believe the Pills to be counterfeit oxycodone pills laced with fentanyl. The Pills weighed approximately 2.1 kilograms.

f. Following his arrest, MEDINA-BAEZ was advised of his *Miranda* rights and signed a written waiver of those rights. During a recorded interview, MEDINA-BAEZ stated in substance and in part that he had picked up the Pills, which he described as "pastillas," from New Jersey and brought them to New York for the transaction. MEDINA-BAEZ stated he expected to receive \$2,000 in exchange for the Pills.

WHEREFORE, I respectfully request that SAUL MEDINA-BAEZ, the defendant, be imprisoned or bailed, as the case may be.

/s authorized electronic signature

Christian Garcia
Special Agent
DEA New York Drug Enforcement
Task Force

Sworn to me through the transmission of this
Complaint by reliable electronic means, pursuant to
Federal Rules of Criminal Procedure 41(d)(3) and 4.1 this
8th Day of March, 2022



THE HONORABLE SARAH NETBURN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK